

REMARKS

The Office Action rejected claims 1-11, 14-26, 30-40, and 44-52. Claims 12-13, 27-29 and 41-43 were previously canceled. By this Amendment, to expedite prosecution of this application, claims 1, 3, 6, 8-9, 16, 18, 22, 24-25 and 33-35 are amended and claims 5, 10-11, 14, 21 and 26 are canceled. No new matter has been entered. Claims 1-4, 6-9, 15-20, 22-25, 30-40 and 44-52 are currently pending in this application.

Interview Summary

The Applicants thanks Examiner Michael Kahelin for his participation in a telephone interview with Catherine Spolar on June 15, 2010. The participants discussed proposed amendments to the claims presented by the Applicants. The participants agreed that the claims, as amended, overcame the current rejections based on the prior art.

Claim Amendments

Independent claim 1 has been amended and now recites an apparatus an electrical lead comprising a lead body and an electrical conductor an electrode coupled to the electrical conductor. The electrode, as recited by amended claim 1, includes a coating on at least a portion of a surface of the electrode, the coating including three or more layers, with a first layer adjacent to and in contact with the surface of the electrode including an insulative polymeric base material, a second layer disposed over and in contact with the first layer, the second layer including a polymer matrix material and a first pharmacological agent, and a third layer disposed over the second layer, wherein the third layer consists of a second pharmacological agent. Independent claims 16, 30 and 35 also have been similarly amended. Support for the amendments to claims 1, 16, 30 and 35 can be found at least at paragraphs [0015]-[0016], [0018] and [0023]. No new matter has been entered.

Rejections

The Office action rejected claims 1, 3, 5, 6, 9-11, 15, 16, 18, 21, 22, 25, 26, 35, 36, 39, 40 and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,964,794 ("Bolz"). Additionally, the Office action rejected claims 30, 32 and 33 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Bolz. The Office

Action also rejected claims 2, 4, 7, 8, 14, 17, 19, 20, 23, 24, 31, 34, 37, 38, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Bolz. Claims 47, 49, 50, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolz in view of U.S. Patent 7,187,980 (“Osypka”) and claims 46, 48, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolz in view of U.S. Patent 5,103,837 (“Weidlich”).

As agreed upon during the telephone interview conducted on June 15, 2010, the claims, as amended, overcome the rejections based on the prior art. Withdrawal of the rejections and issuance of a Notice of Allowance is respectfully requested.

Conclusion

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office’s rejections or characterizations of the claims or references in the Office Action: Any claim amendments not specifically discussed or explained in the above remarks are not made for patentability purposes, and these claims would satisfy the statutory requirements for patentability without these amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 612-766-8245.

Respectfully submitted,

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